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TO:	Examiner Shouxiang HU	FROM:	DAVID J. KENEALY Cermak & Kenealy LLP
FAX:	703.872.9306	REF. NO:	ST3001-0035
VOICE:	703 272 1654	PAGES	(incl. this sheet)
App. No.:	10/722,556	DATE:	January 26, 2005

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE.

- 1) This facsimile Certification cover sheet (1 pg.)
- 2) Amendment Transmittal (4 pg.)
- 3) Amendment (10 pg.)



David J. Kenealy

Registration Number 40,411

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**RECEIVED
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Attorney Docket No. ST3001-0035****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:)	
)	
Tomoaki ABE et al.)	Group Art Unit: 2811
)	
Patent Application No.: 10/722,556)	
)	Examiner: Shouxiang HU
Filed: November 28, 2003)	
)	
For: SURFACE MOUNTED LIGHT)	Confirmation No.: 4976
EMITTING DIODE AND METHOD)	

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment responding to the Office Action dated November 15, 2004, the period for reply to which extends to February 15, 2005.
2. Additional papers enclosed:
 - [] Drawings: [] Formal [] Informal (Correction)
 - [] Information Disclosure Statement
 - [] Form PTO-1449, ___ reference included
 - [] Citations
 - [] Declaration of Biological Deposit
 - [] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Application No.: 10/722,556
Attorney's Docket No.: ST3001-0035

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Extension of time fee due with this request: \$ 0.00. The Commissioner is hereby authorized by this paper to charge the \$0.00 fee due under 37 C.F.R. §§ 1.17(a) to Deposit Account 50-2821.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for __ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-2821. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Application No.: 10/722,556
 Attorney's Docket No.: ST3001-0035

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims 37 C.F.R. §1.16(c)	<u>20</u>	minus <u>20</u> =	<u>0</u>	x \$50 each =	+ \$ 0.00
Independent Claims 37 C.F.R. §1.16(b)	<u>3</u>	minus <u>3</u> =	<u>0</u>	x \$200 each =	+ \$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)				\$290.00	+ \$ 0.00
SUB-TOTAL =					\$ 0.00
Reduction by ½ for filing by a small entity					- \$ 0.00
TOTAL ADDITIONAL CLAIMS FEE =					\$ 0.00

Application No.: 10/722,556
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6. Fee Payment

☒ No fee is to be paid at this time.

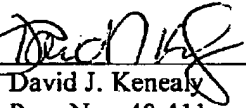
☐ The Commissioner is hereby authorized to charge \$_____ which represents the extension of time fee (\$____) and additional claims fee (\$____) to Deposit Account No. 50-2821.

☐ Please Charge Total Fee of \$ 0.00 to:

☐ Credit Account identified in attached Form PTO-2038.

The Commissioner is hereby authorized to charge any additional fees that were overlooked above and which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account 50-2821.

Respectfully submitted,
CERMAK & KENEALY LLP

By: 
David J. Kenealy
Reg. No. 40,411

Dated: January 26, 2005

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PATENT
ATTORNEY DOCKET NO. ST3001-0035

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AMENDMENT

Sir:

In response to the Office Action dated November 15, 2004, the time for responding extending through February 15, 2005, Applicant requests that the above-referenced patent application be amended as follows:

Amendments to the Claims are reflected in the claim summary which begins on page two (2) of this paper.

Remarks begin on page seven (7) of this paper.